

Serial: 202846

IN THE SUPREME COURT OF MISSISSIPPI

No. 2014-KM-01789-SCT

***TIMOTHY NORMAN A/K/A TIMOTHY
BRYANT NORMAN A/K/A TIMOTHY B.
NORMAN***

Appellant

v.

STATE OF MISSISSIPPI

Appellee

ORDER

Now before the en banc Court is the appeal filed by Timothy Norman. Norman's Motion to Grant Relief Sought and Reverse Conviction for Lack of Prosecution, which was passed for consideration with the merits the appeal, is also before us.

Norman was convicted in the Ridgeland Municipal Court of driving under the influence (DUI), first offense, and speeding. The County Court of Madison County and the Circuit Court of Madison County both affirmed.

Norman appealed to this Court, seeking reversal of his convictions and dismissal of the case. Boty McDonald, Prosecutor for the City of Ridgeland, failed to file a timely brief—even after the Clerk of this Court issued a show-cause notice. Norman thus moved for the Court to reverse the convictions due to the City's lack of participation and based on the arguments in Norman's brief.

The Court ordered McDonald and the Attorney General's Office to appear for a show-cause hearing on November 9, 2015. That hearing was held; afterward, the Court ordered McDonald to file a brief within ten days setting forth the City's position.

On November 22, 2015, McDonald filed a two-page "Confession of Appellant's Brief." On behalf of the City, McDonald confessed Norman's brief and asked this Court to reverse Norman's conviction.

After due consideration, we find the motion should be granted; the judgments of the Circuit Court of Madison County and the County Court of Madison County should be reversed; the judgment of the Ridgeland Municipal Court should be reversed and rendered; and all costs of this appeal should be assessed to the City.

IT IS THEREFORE ORDERED that Norman's Motion to Grant Relief Sought and Reverse Conviction for Lack of Prosecution is granted. The judgment of the Circuit Court of Madison County is reversed, the judgment of the County Court of Madison County is reversed, and the judgment of the Ridgeland Municipal Court is reversed and rendered. All costs of the appeal are assessed to the City of Ridgeland.

SO ORDERED, this the 20th day of January, 2016.

/s/ William L. Waller, Jr.

WILLIAM L. WALLER, JR.
CHIEF JUSTICE
FOR THE COURT

ALL JUSTICES AGREE.